

## NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by 1st submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication. Due to time restraints, the Secretary of State's Office will no longer edit the text of proposed rules. We will continue to make numbering and labeling changes as necessary.

Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for adoption, amendment, or repeal of any rule. A.R.S. §§ 41-1013 and 41-1022.

### NOTICE OF PROPOSED RULEMAKING

#### TITLE 14. PUBLIC SERVICE CORPORATIONS; CORPORATIONS AND ASSOCIATIONS; SECURITIES REGULATION

##### CHAPTER 2: CORPORATION COMMISSION

##### FIXED UTILITIES

##### PREAMBLE

- |                                    |                                 |
|------------------------------------|---------------------------------|
| <b>1. <u>Sections Affected</u></b> | <b><u>Rulemaking Action</u></b> |
| R14-2-207                          | Amend                           |
| R14-2-208                          | Amend                           |
| R14-2-506                          | Amend                           |
| R14-2-507                          | Amend                           |
- 2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**  
Authorizing statute: A.R.S. §§ 40-202, 40-203, 40-321, 40-441 and 40-442 et seq.  
Constitutional authority: Arizona Constitution, Article 15.
- 3. A list of all previous notices appearing in the Register addressing the proposed rule:**  
Notice of Rulemaking Docket Opening: 5 A.A.R. 816, March 19, 1999.
- 4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**  
Name: Peter Breen, Attorney, Legal Division  
Address: Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007  
Telephone: (602) 542-3402  
Fax: (602) 542-4870  
Name: Ron Franquero, Utilities Consultant  
Address: Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007  
Telephone: (602) 542-7275  
Fax: (602) 542-2129
- 5. An explanation of the rule, including the agency's reasons for initiating the rule:**  
This is an update of the Commission's rules to conform to the current standards of the National Electrical Safety Code. Some affected utilities have requested the update.
- 6. A reference to any study that the agency proposes to rely on in its evaluation of or justification for the proposed rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:**  
None.

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7. **A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**  
Not applicable.
8. **The preliminary summary of the economic, small business, and consumer impact:**  
This rule will have a beneficial economic, small business, and consumer impact. It will allow the latest standards to be used while working on telecommunications and electrical cable. Contractors will not have to learn 2 sets of rules for regulated and unregulated entities. The latest edition of the rules allows for certain efficiencies in construction practices which would save money for contractors, utilities and consumers.
9. **The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**  
Name: Peter Breen, Attorney, Legal Division  
Address: Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007  
Telephone: (602) 542-3402  
Fax: (602) 542-4870  
Name: Ron Franquero, Utilities Consultant  
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10. **The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when and how persons may request an oral proceeding on the proposed rule:**  
The amendments will be adopted by the Arizona Corporation Commission at a regularly scheduled Open Meeting. The notice and agenda will be posted in accordance with state law and will be mailed to those entities/individuals on the service list accompanying the Commission Decision authorizing the filing of the Notice of Proposed Rulemaking with the Secretary of State.
11. **Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**  
None.
12. **Incorporations by reference and their location in the rules:**  
The National Electrical Safety Code, 1997-C2 of the American National Standard Institute Standards set minimum safety standards for the installation and maintenance of overhead and underground electric and communications facilities. The regulations may be found at the Arizona Corporation Commission, Utilities Division, 1200 West Washington Street, Phoenix, Arizona 85007. These regulations are incorporated by reference in the amended rules at R14-2-207(E)(3)(c), R14-2-208(F)(1), R14-2-506(E)(3)(c) and R14-2-507(E)(1).
13. **The full text of the rules follows:**

**TITLE 14. PUBLIC SERVICE CORPORATIONS; CORPORATIONS AND ASSOCIATIONS; SECURITIES REGULATION**

**CHAPTER 2: CORPORATION COMMISSION  
FIXED UTILITIES**

**ARTICLE 2. ELECTRIC UTILITIES**

**Section**

- R14-2-207. Line Extensions  
R14-2-208 Provision of Service

**ARTICLE 5. TELEPHONE UTILITIES**

- R14-2-506. Construction Agreement  
R14-2-507. Provision of Service

**ARTICLE 2. ELECTRIC UTILITIES**

**R14-2-207. Line Extensions**

- A. No change.  
B. No change.

- C. No change.  
D. No change.  
E. Single phase underground extensions in subdivision developments.  
1. No change.  
2. No change.  
3. Installation of single phase underground electric lines within a subdivision.  
a. No change.  
b. No change.  
c. The utility shall install or cause to be installed underground electric lines and related equipment in accordance with the applicable provisions of the 1993 1997 edition (and no further editions) of

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ANSI C2 (National Electrical Safety Code) with sufficient capacity and suitable materials which shall assure adequate and reasonable electric service in the foreseeable future. ANSI C2 is incorporated by reference, and on file with the Office of the Secretary of State. Copies are available from the Institute of Electrical and Electronic Engineers, Inc., 345 East 47th Street, New York, New York 10017.

- d. No change.
- 4. No change.
- 5. No change.

**R14-2-208. Provision of Service**

- A. No change.
- B. No change.
- C. No change.
- D. No change.
- E. No change.
- F. Construction standard and safety
  - 1. Each utility shall construct all facilities in accordance with the provisions of the ~~1993~~ 1997 edition (and no future editions) of ANSI C2 (National Electrical Safety Code), incorporated by reference and on file with the Office of the Secretary of State, and the 1995 edition (and no future editions) of ANSI B31.1 (ASME Code for Pressure Piping), incorporated by reference and on file with the Office of the Secretary of State. Copies of the National Electrical Safety Code are available from the Institute of Electrical and Electronic Engineers, Inc., 345 East 47th Street, New York, New York 10017. Copies of the ASME Code for Pressure Piping are available from the American Society of Mechanical Engineers, 345 East 47th Street, New York, New York 10017.
  - 2. No change.

**ARTICLE 5. TELEPHONE UTILITIES**

**R14-2-506. Construction Agreement**

- A. No change.
- B. No change.

- C. No change.
- D. No change.
- E. Underground extension of communication lines
  - 1. No change.
  - 2. No change.
  - 3. Installation of underground communication lines within subdivision and multiple occupancy residential developments:
    - a. No change.
    - b. No change.
    - c. The utility shall install or cause to be installed underground communication lines and related equipment in accordance with the applicable provisions of the 1997 edition (and no future editions) of ANSI C2 (National Electrical Safety Code) as ~~heretofore or hereafter amended~~, with sufficient capacity and suitable materials which shall assure adequate and reasonable communication service in the foreseeable future.
    - d. No change.
  - 4. No change.
- F. No change.
- G. No change.

**R14-2-507. Provision of Service**

- A. No change.
- B. No change.
- C. No change.
- D. No change.
- E. Construction Standards
  - 1. Each utility shall construct all facilities in accordance with the provisions of the ~~1993~~ 1997 edition (and no future editions) of ANSI C2 (National Electrical Safety Code), incorporated by reference and on file with the Office of the Secretary of State. Copies are available from the Institute of Electrical and Electronic Engineers, Inc., 345 East 47th Street, New York, New York 10017.